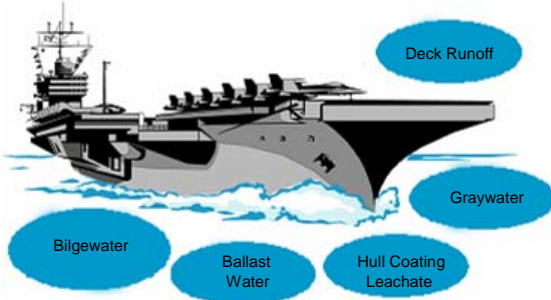




# UNIFORM NATIONAL DISCHARGE STANDARDS (UNDS) FOR ARMED FORCES VESSELS



Section 312(n) of the Clean Water Act requires the Environmental Protection Agency (EPA) and the Department of Defense (DOD) to identify and evaluate discharges of armed forces vessels to determine which discharges require control for protection of the environment and to set standards for those discharges.

UNDS is being implemented in three phases through a partnership between EPA and DOD:

- Phase I identified and characterized 39 discharges; 25 were determined to require control.
- Phase II will promulgate performance standards for marine pollution control devices (MPCDs) in different batches to control these 25 discharges.
- Phase III, which is a DOD-only rule, will establish regulations governing the design, construction, installation, and use of MPCDs to meet the performance standards established in Phase II.

*Section 312(n) of the Clean Water Act (CWA) was added in 1996 to require establishment of the Uniform National Discharge Standards (UNDS).*

## WHAT DOES UNDS DO?

- UNDS will set national standards that will require the use of marine pollution control devices (MPCDs) to control discharges incidental to the normal operation of armed forces vessels.

## WHY IS THIS PROGRAM NEEDED?

- EPA and DOD anticipate that the standards will enhance environmental protection of U.S. waters by creating nationally-protective standards for previously unregulated discharges from vessels of the armed forces.
- Other benefits include stimulating the development of innovative vessel pollution control technologies, and the development of advanced technologies for managing discharges from vessels.



Courtesy of U.S. Coast Guard

## WHAT HAS BEEN DONE?

- Phase I of UNDS was completed in May 1999.
- Phase II is currently underway; EPA and DOD, in consultation with the U.S. Coast Guard, are working together to propose MPCD performance standards for the first set of discharges. EPA and DOD anticipate promulgating standards for all 25 discharges in five separate rulemakings.

## HOW WILL UNDS AFFECT STATES?

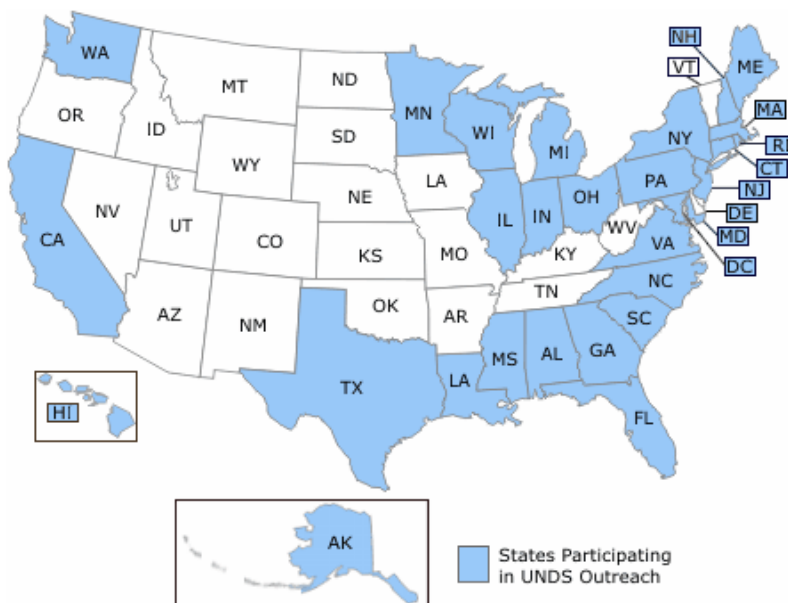
- Clean Water Act Section 312(n) preempts states from regulating discharges that are subject to UNDS provisions. The EPA and U.S. Navy continue to communicate with state regulatory and coastal program representatives, and Native American tribes.
- The statute allows states to petition EPA and DOD to review the determinations made under Phase I and the MPCD performance standards established under Phase II.
- The statute also enables a state to petition EPA to establish No-Discharge Zones for discharges incidental to the normal operation of armed forces vessels.



Courtesy of U.S. Navy

### WHAT IS AN MPCD?

- A marine pollution control device (MPCD) is any equipment, material substitution, or management practice designed to treat, retain, or control discharges from vessels of the armed forces.
- The seven statutory factors considered in establishing performance standards for MPCDs are: the nature of the discharge; the environmental effects of the discharge; the practicability of using the MPCD; the effect that installation or use of the MPCD would have on the operation or operational capability of the vessel; applicable United States law; applicable international standards; and the economic costs of the installation and use of the MPCD.



### WHAT VESSELS ARE REGULATED?

- UNDS is applicable to armed forces vessels (i.e., Army, Navy, Marine Corps, Air Force, Military Sealift Command, and U.S. Coast Guard vessels).
- UNDS is not applicable to vessels of the Army Corps of Engineers, Maritime Administration vessels, memorial and museum vessels, time- and voyage-chartered vessels, vessels under construction, vessels in dry dock, vessels owned and operated by state or tribal entities, commercial vessels, private vessels and amphibious vehicles.

### WHEN WILL VESSELS HAVE TO COMPLY?

- Vessels of the armed forces will have to comply when Phase III requirements are promulgated by DOD.
- Those regulations are expected to be established by DOD following the promulgation of the Phase II standards.



### WHICH WATERBODIES ARE COVERED?

- UNDS is applicable to vessels in the navigable waters of the United States and the contiguous zone (i.e., out to 12 nautical miles from the coastline).

### MORE INFORMATION ABOUT UNDS

- Visit our UNDS Web site at [www.epa.gov/owow/oceans/regulatory/unds/](http://www.epa.gov/owow/oceans/regulatory/unds/).
- U.S. Navy Web site at <http://unds.bah.com/>.
- Contact the Oceans and Coastal Protection Division at 202-566-1200.



Office of Water  
Office of Wetlands, Oceans, and Watersheds  
1200 Pennsylvania Ave., N.W. (Mail Code 4504T), Washington, D.C. 20460  
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